

TOWN OF DAVIE TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers

FROM/PHONE: Mark Kutney, AICP, Development Services Director / (954) 797-1101
Prepared by Annie Feng, Planner II

SUBJECT: Zoning In Progress for Adult Games and Arcades

TITLE OF AGENDA ITEM:

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, INITIATING AND DECLARING A PLANNING AND ZONING IN PROGRESS FOR ADULT GAMES AND ARCADES; PROVIDING FOR AN EFFECTIVE DATE.

REPORT IN BRIEF:

Staff is requesting to initiate a "Planning and Zoning in Progress" in accordance with the Land Development Code Section 12-315 to allow staff to prepare a code amendment providing for the regulations of "adult games and arcades." The initiation of a "Planning and Zoning in Progress" allows staff time to research the subject and not issue any new occupational licenses until appropriate regulatory safeguards for the Town and its residents are in place.

There is no specific performance standard provided for in the Land Development Code regarding this type of use and they are currently permitted as of right in the B-2, B-3 and C1 zoning districts as "game room, arcade." There is no other legal mechanism in place that will allow the Town to ensure that the existing and up-coming operations meet the regulations found in Florida Statute Chapter 849 (Gambling).

Currently, three (3) adult amusement arcades, for people over twenty-one (21) years old, are operating in the Town of Davie with two (2) more under construction. They provide currency-activated amusement games and machines to receive points or coupons which may be exchanged for items such as Publix groceries vouchers, gas vouchers, small appliances, electronics, tabletop items, and restaurant vouchers, etc. Because of the unique location of the Town adjacent to the proposed legal gambling casinos and the nature of the use, staff recommends that specific performance standards be established in the Land Development Code to provide reasonable controls for this use and prevent proliferation of "adult arcade amusement centers" that mimic the look and feel of a gambling venue.

Based upon this potential loophole in the Land Development Regulations regarding this use, staff proposes initiating a "Planning and Zoning in Progress" before a proliferation of these businesses occur without the Town having the ability to regulate any harmful secondary effects.

PREVIOUS ACTIONS: None

CONCURRENCES: On January 9, 2003, the Code Review Team of the Development Service Department proposed to initiate a "Planning and Zoning in Progress."

FISCAL IMPACT: None

RECOMMENDATION(S): Motion to approve

RESOLUTION NO. _____

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, INITIATING AND DECLARING A PLANNING AND ZONING IN PROGRESS FOR ADULT GAMES AND ARCADES; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 12-315 of the Town of Davie Land Development Code provides for the establishment of a planning and zoning in progress; and

WHEREAS, Section 12-315 provides that no development order, site plan approval, permit, or license of any kind shall be issued, and no change of occupancy shall occur if such development order, site plan approval, permit, license, or occupancy would result in the nonconforming or unlawful use of the subject property should the proposed change be adopted.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA:

SECTION 1. The Town Council of the Town of Davie hereby adopts the planning and zoning in progress for Adult Games and Arcades, in order to provide time for staff to prepare a study and ordinances amending the Town of Davie Land Development Code for Council consideration.

SECTION 2. This Resolution shall take effect immediately upon its passage and adoption.

PASSED AND ADOPTED THIS ____ DAY OF _____, 2003.

MAYOR/COUNCILMEMBER

Attest:

TOWN CLERK

APPROVED THIS ____ DAY OF _____, 2003.

